

REMARKS

Status of Claims

In response to the Office Action dated June 26, 2007, claims 1-3 have been canceled, claims 4-10 have been amended and claims 11-13 have been added. Claims 4-13 are now pending in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

I. Claims 1 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. (U.S. 2003/0169350) in view of Sannoh et al. (U.S. 2002/0149689), for the reasons of record.

Claims 2, 3, 5, 6 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. in view of Sannoh et al. and Nakamura (U.S. 2001/0008423), for the reasons of record.

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. in view of Sannoh et al., as applied to claim 1, and further in view of Lavelle et al. (USPN 6,362,851), for the reasons of record.

Claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. in view of Sannoh et al. and Nakamura, as applied to claims 2 and 3, and further in view of Lavelle et al., for the reasons of record.

II. The courtesy of the interview conducted on October 22, 2007, is acknowledged and appreciated. The PTOL-413, Interview Summary, accurately reflects what was discussed at the interview and no further comments are deemed necessary.

To expedite prosecution, independent claims 1-3 have been canceled and new independent claims 11-13 have been added. Claims 11-13 are the independent claims that were presented to the Examiner at the interview and are believed to clearly define over the applied prior art references and Wiezel et al. and Sannoh et al. in particular. For example, new independent claim 11 delineates, *inter alia*:

...
a controller for controlling operations of the camera, wherein
in the photographing memory sub-mode of the at least one of the plurality
of photographing modes, the controller:
 directs performance of a composition determining
 operation in which freeze image data, representative of through
 image data currently formed on the solid state imaging device, is
 obtained and temporarily stored in the internal memory,
 directs the focusing section to cause the distance measuring
 section to measure the distance when the composition determining
 operation is performed and to temporarily store the distance in the
 internal memory, and
 after the composition determining operation has been
 finished and before the actual photographing operation of the at
 least one of the plurality of photographing modes corresponding to
 the photographing memory sub-mode is started, directs the image
 display section to display, in a superimposing manner, a
 composition based on the freeze image data obtained as a result of
 the composition determining operation and the through image
 representative of the object image currently formed on the solid
 state imaging device, and
during the actual photographing operation in the at least one of the
plurality of photographing modes corresponding to the photographing memory
sub-mode, the controller directs performing focusing in accordance with the
distance measured when the composition determining operation was performed.

Wiesel et al. teaches that the photo templates (i.e., freeze image data) can come from many different sources. However, Wiesel et al. does not disclose that the photo templates are image data representative of through image data currently formed on the solid state imaging device that is obtained in a composition determining operation of a photographing memory sub-mode of the at least one of a plurality of photographing modes, and then temporarily stored in the internal memory. Nor does Wiesel et al. disclose a focusing section causing a distance measuring section to measure the distance when the composition determining operation is performed and temporarily storing the distance in an internal memory of the camera.

Wiesel et al. also does not disclose that after finishing the composition determining operation and before the actual photographing operation of the photographing mode corresponding to the photographing memory sub-mode is started, displaying on a display section, in a superimposing manner, a composition based on the freeze image data obtained as a result of the composition determining operation and the through image representative of the object image currently formed on the solid state imaging device. Finally, Wiesel et al. does not disclose that during the actual photographing operation in the photographing mode corresponding to the photographing memory sub-mode, performing focusing in accordance with the distance measured when the composition determining operation was performed.

Independent claim 12 is similar to independent claim 11, but provides for measuring and storing luminance when the composition determining operation is performed, and performing exposure adjusting in accordance with the luminance measured in the photographing mode corresponding to the photographing memory sub-mode. Independent claim 13 provides a combination of measuring distance and luminance when the composition determining operation

is performed, and performing focusing in accordance with the distance measured and performing exposure adjusting in accordance with the luminance measured in the photographing mode corresponding to the photographing memory sub-mode.

Wiesel et al. similarly does not disclose the features of independent claims 12 and 13.

Claims 4-10 have been amended to depend from respective ones of independent claims 11-13 instead of claims 1-3. Sannoh et al., Nakamura and Lavelle et al. do not remedy the above noted deficiencies of Wiesel et al.

In view of the above, independent claims 11-13, as well as dependent claims 4-10, are patentable over Wiesel et al., Sannoh et al., Nakamura and Lavelle et al., considered alone or in combination. Therefore, the allowance of claims 4-13, as amended, is respectfully solicited.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No.: 10/664,162
Submission with RCE

Docket No.: 4243-0103PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: October 26, 2007

Respectfully submitted,

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